

**COOKEVILLE CITY COUNCIL  
SPECIAL CALLED MEETING  
MARCH 14, 2002  
5:30 P.M.**

The Council of the City of Cookeville met in special called session on Thursday, March 14, 2002, at 5:30 p.m., in the Municipal Building, 45 East Broad Street. Invocation was given by Mayor Womack. Pledge of Allegiance was led by Mayor Womack. Mayor Womack then called the meeting to order and asked the Clerk to call the roll. Present and answering roll call were:

Mayor Charles Womack  
Vice-Mayor Richard Grogan  
Councilman Steve Copeland  
Councilman Dwight Henry  
Councilman Harold Jackson

Also present: Jim Shipley, City Manager; Cathy McClain, Deputy City Clerk; and Mike O'Mara, City Attorney.

**RECEIVE REPORT FROM  
INDEPENDENT INVESTIGATOR  
RELATIVE TO COOKEVILLE  
POLICE DEPARTMENT**

The following report was submitted:

TO: Cookeville City Council  
City Manager Jim Shipley  
Chief of Police Bob Terry

FROM: BURL M. SMITH

DATE: March 11, 2002

On March 6, 2002, City Manager Shipley and Chief Terry asked me to investigate events leading up to the shooting of one Cookeville Police Department officer by another in the early morning of March 3, 2002. Specifically, I was to inquire into a party which had been hosted by Sergeant Yvette Demming at her residence on the evening of March 2, 2002. I was instructed that the shooting itself was under investigation by the Tennessee Bureau of Investigation (TBI). My purpose was to gather sufficient information so that it could be determined whether any law or departmental regulation had been violated by any employee of the Police Department who attended the party.

Pursuant to this request and instruction, I interviewed all Cookeville Police Department personnel identified to me as having attended the party, with the exception of former officer Zac Birdwell. Nine officers and two support personnel were interviewed. Each was asked to relate general comments concerning what took place at the party, and was then asked specific questions about possible law and regulation violations. These interviews were conducted during the period March 6-8, 2002.

The following is a summary of the statements made to me:

The party was hosted by Sergeant Demming, who had invited several department personnel, not the entire department. The party began around 7pm when the first guests arrived. Most of those attending were accompanied by spouses or dates. Most arrived between 7pm and 8:30pm. Some guests brought covered dishes and snacks. Guests desiring to drink alcoholic beverages were expected to bring their own. Some guests departed as early as 9:15pm, and some did not arrive until after 11pm.

The general nature of the party consisted of groups carrying on conversations. The men tended to congregate in one room, and the women in another. Some people played games such as Jenga and Truth or Dare, and cards. There was background music in another room, kept soft enough so that people could talk.

All persons attending the party arrived and left in private vehicles.  
No person attending the party was on duty or in uniform.

No person who consumed alcohol was in possession of a weapon. One officer stated that he was carrying his off-duty weapon in an ankle holster. This officer does not drink alcohol, did not display the weapon, or inform anyone he had it.

The only city vehicle at the party was Sergeant Demming's.

All stated that no one drove a motor vehicle from the party under the influence of alcohol or any substance. Some who expected to drink had provided rides for themselves. Some stated that they did drink one or two drinks early in the evening, but stopped drinking alcohol at least two hours before driving.

One officer left the party at around 9:15pm, changed into uniform and went to work at 10pm. At 11pm or later, he stopped by the party to see if another person who had come the party with him had found a ride home. He stayed there for two minutes or less. The party was located in his assigned patrol zone. This officer did not drink alcohol at any time that night.

There were no known violations of the open container ordinance. No one went outside the house with a drink.

The party was described as very quiet and sedate, with no incidents or disturbances. At around 1am, after most guests had departed, Officer Birdwell began to become problematic and agitated. At that time, he was driven away from Sergeant Demming's residence by an officer who had arrived after midnight, and had consumed no alcohol.

In addition, I have been informed that on March 7, 2002, Lieutenant Randy Evans spoke with several of Sergeant Demming's neighbors, whose properties border on hers or are directly across the street. Some were unaware that there had been a party at Sergeant Demming's residence. One couple had noticed more vehicles there than usual, but had heard no noise or other disturbance. All of the neighbors stated that they had never had any complaints about Sergeant Demming.

Based on the information furnished to me in my investigation, I found no violation of any law or departmental regulation of which I am aware, which occurred at the party at Sergeant Demming's residence.

**COOKEVILLE CITY COUNCIL  
MINUTES  
MARCH 14, 2002**

The council spoke concerning this issue & accepted the report.

**HEARING OF CITIZENS AND/OR DELEGATIONS:**

No one spoke at this time.

There being no further business to discuss, Councilman Copeland made a motion, seconded by Councilman Jackson, to adjourn the meeting at 5:55 p.m. Upon call for a vote, the following voted aye:

Mayor Charles Womack  
Vice-Mayor Richard Grogan  
Councilman Steve Copeland  
Councilman Dwight Henry  
Councilman Harold Jackson

The Deputy City Clerk announced that the motion carried.

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Charles Womack, Mayor

ATTEST:

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Cathy McClain, Deputy City Clerk

